



Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

ATF NEWS



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PRESS RELEASE

ATF-NYPD TASK FORCE ARRESTS 2 SUSPECTS FOR BRINGING STOLEN GUN TO NEW YORK CITY -- GUN USED IN MULTIPLE HOMICIDES AT WENDY'S RESTAURANT

EDGAR A. DOMENECH, Special Agent in Charge of the New York Field Division of the Bureau of Alcohol, Tobacco & Firearms (ATF), **HOWARD SAFIR**, Police Commissioner of the New York City Police Department, and **LORETTA E. LYNCH**, United States Attorney for the Eastern District of New York, today announced the arrests of **BERNARD GARDIER** of Cleveland, Ohio, for possession of a stolen firearm and **JAMAL GALES** of Berea, Ohio, for illegally transferring a stolen firearm. This firearm was later used in the brutal murder of five employees of a **WENDY'S** Restaurant in Queens, New York, on May 24, 2000.

On May 26, 2000, the NYPD recovered a Bryco, Jennings, Model J38, .380 semi-automatic caliber pistol that was used in the Wendy's homicides. This firearm was traced to an

individual who legally purchased the weapon from a federally licensed firearms dealer in Bedford Heights, Ohio, on March 19, 1999.

Shortly after the lawful purchase, it is alleged that GARDIER stole the firearm from its lawful owner, with whom he resided. GARDIER and GALES then transported the stolen weapon to New York in violation of federal law. The firearm was reported stolen by the owner to the Cleveland, Ohio, Police Department on April 2, 2000.

As a result of information developed by agents and detectives from the ATF/NYPD JOINT FIREARMS TASK FORCE, it was learned that the stolen firearm was brought to Nassau County, New York, where the complaints allege that GALES introduced GARDIER to an individual who purchased the firearm for \$250.

In announcing the arrests **SAC DOMENECH** said, "New technology enabled our investigators to trace this gun immediately and bring those responsible for its travel to New York to be held accountable in a court of law. The criminal who now sells a firearm illegally on the streets of New York will be held responsible for his part in the carnage it creates later."

Commissioner **SAFIR** said, "These two individuals supplied the means by which this crime was carried out by illegally transporting a stolen firearm into New York. They are responsible for supplying the gun that killed five people and wounded two others. We will continue to work closely with the ATF and U.S. Attorney to bring those individuals involved in the illegal trafficking of firearms to justice."

If convicted, GARDIER faces a maximum of 10 years imprisonment, and GALES faces a maximum of 5 years imprisonment.¹

The defendants will be arraigned this afternoon by Magistrate Judge William D. Wall at the United States Courthouse in Uniondale, Long Island.

The investigation by ATF Agents and NYPD Detectives is continuing.

The government's case will be prosecuted by Assistant United States Attorney Jodi Avergun.

The Defendants

NAME: Bernard Gardier
DOB: 3/16/77
RESIDENCE: 939 Evangeline Road
Cleveland, Ohio

NAME: Jamal Gales
DOB: 6/18/73
RESIDENCE: 17 Fourth Street
Berea, Ohio